

HAROLD P. SMITH, ESQ. (SBN: 126985)
psmith@dhillonsmith.com
KRISTA L. SHOQUIST, ESQ. (SBN: 264600)
kshoquist@dhillonsmith.com
PRIYA BRANDES, ESQ. (SBN: 286714)
pbrandes@dhillonsmith.com
DHILLON & SMITH LLP
177 Post Street, Suite 700
San Francisco, California 94108
Telephone: (415) 433-1700
Facsimile: (415) 520-6593

Attorneys for Plaintiff
Harmeet K. Dhillon

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

San Francisco Division

HARMEET K. DHILLON, an individual,

Plaintiff,

v.

DOE 1, an unknown individual, and
DOES 2 through 10,

Defendants.

Case Number: **C 13**

JCS
1465

**DECLARATION OF HARMEET K.
DHILLON IN SUPPORT OF
PLAINTIFF'S EX PARTE
APPLICATION FOR LEAVE TO
TAKE LIMITED DISCOVERY
PRIOR TO A RULE 26(f)
CONFERENCE**

I, Harmeet K. Dhillon, declare:

1. I am the Plaintiff in the above-captioned action. I am an attorney at law
duly admitted to practice before all Courts of the State of California, and the founding

1 partner of the firm of Dhillon & Smith LLP. I have personal knowledge of the matter
2 set forth herein and if called as a witness could and would competently testify thereto.
3 As to those matter stated on information and belief, I believe them to be true.

4 2. In March 2008, I commissioned photographer Colin Hussey to take a
5 number of photographs of myself in connection with my candidacy for Member of the
6 State Assembly, District 13 (the "2008 Photographs"). Among the 2008 Photographs was
7 the Headshot Photograph that is the work at issue in this case.

8 3. I have used the Headshot Photograph in my political campaign political
9 activities and in various professional marketing efforts, beginning in or around June
10 2008. I am the sole owner of the Headshot Photograph and the copyright therein.

11 4. Mr. Hussey and I entered into a Copyright Assignment Agreement, by
12 which Mr. Hussey transferred to me all rights (including copyrights), title and interest
13 in and to 2008 Photographs, including the Headshot Photograph.

14 5. The Headshot Photograph is registered with the U.S. Copyright Office,
15 and I am informed and believed that the Copyright Office received my complete
16 application on February 21, 2013. Attached as Exhibit A to this declaration is a true and
17 correct copy of the application stating that it was received by the Copyright Office on
18 February 21, 2013, Service Request # 1-894619331.

19 6. On February 12, 2013, I first learned that an article entitled "Meet
20 Harmeet" had been published on the website www.MungerGames.net
21 ("MungerGames"), which featured the Headshot Photograph at the top of the article.
22 The article was posted anonymously. Attached as Exhibit B to this declaration is a true
23 and correct copy of that part of the "Meet Harmeet" article that publishes the Headshot
24 Photograph.
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1 7. I have never given permission or authorization for use, copying, or
2 distribution of the Headshot Photograph in the "Meet Harmeet" article or on the
3 MungerGames website.

4 8. Upon learning of the "Meet Harmeet" article, I promptly took all
5 reasonable steps to discover the identity of the individual(s) responsible for its posting.
6 According to information obtained on www.whois.com, a query and response protocol
7 that allows users to query databases that store the registered users or assignees of an
8 Internet research, the domain name Mungergames.net is hosted by the web hosting
9 provider and domain name registrar, DreamHost ("DreamHost"), owned by New
10 Dream Network, LLC. Attached as Exhibit C to this declaration is a true and correct
11 copy of a printout of the information I obtained through my search on Whois.com.
12

13 9. On February 13, 2013, I emailed DreamHost to alert it of the infringement
14 of my copyrighted material and demanded to be immediately put in contact with the
15 owner of the Mungergames.net website in order to get the copyrighted material taken
16 down. DreamHost responded with an email instructing me to submit a formal
17 notification of claimed infringement, pursuant to the Digital Millennium Copyright Act,
18 17 U.S.C.A. section 512(c)(3)(A)(i-vi). I complied with this request and submitted a
19 formal notification of infringement pursuant to that statute on February 15, 2013.

20 10. Following my sending of the February 15, 2013 email to DreamHost, the
21 Headshot Photograph was removed from the "Meet Harmeet" article. The "Meet
22 Harmeet" article remains posted on Mungergames.net, but my name now appears
23 where the Headshot Photograph once appeared.
24

25 11. DreamHost has declined to disclose to me the account information for
26 owner for the Mungergames.net domain name, and/or the names, addresses, telephone
27 numbers and e-mail addresses of the individual(s) responsible for the posting of the
28 copyrighted material on the "Meet Harmeet" article.

1 12. If the Headshot Photograph continues to be used, copied and distributed
2 in the manner described in this action, it could have a deleterious effect on the market
3 for my license to use the Headshot Photograph.

4 13. I could not obtain a stipulation for this Ex Parte Application because,
5 despite exhausting traditional avenues for identifying Defendants pre-service, I cannot
6 identity the Defendants with whom to confer until the requested discovery takes place.

7 I declare under penalty of perjury that the foregoing is true and correct under the
8 laws of the state of California, except for those matters stated on information and belief
9 and I believe those matters to be true.

10
11 Date: April 1, 2013

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Harmeet K. Dhillon

EXHIBIT A

-APPLICATION-

Title

Title of Work: Harmeet K. Dhillon photograph

Completion/Publication

Year of Completion: 2008

Date of 1st Publication: June 19, 2008

Nation of 1st Publication: United States

Author

■ **Author:** Colin Hussey

Author Created: photograph(s)

Work made for hire: No

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Harmeet K. Dhillon

177 Post Street, Suite 700, San Francisco, CA, 94108, United States

Transfer Statement: By written agreement

Rights and Permissions

Name: Harmeet K. Dhillon

Email: harmeet@dhillonsmith.com

Telephone: 415-433-1700

Address: 177 Post Street, Suite 700

San Francisco, CA 94108 United States

Certification

Name: Harmeet K. Dhillon

Date: February 21, 2013

Registration #:

Service Request #: 1-894619331

Priority: Routine

Application Date: February 21, 2013 06:02:27 PM

Correspondent _____

Name: Krista Shoquist

Email: kshoquist@dhillonsmith.com

Telephone: 415-433-1700

Address: 177 Post Street, Suite 700
San Francisco, CA 94108

Mail Certificate _____

Dhillon & Smith LLP
Harmeet K. Dhillon
177 Post Street, Suite 700
San Francisco, CA 94108 United States

EXHIBIT B

[HOME](#)



THE MUNGER GAMES

"WASTING HIS PATRIMONY"

Meet Harmeet

[Leave a reply](#)



Harmeet Dhillon

We have asked the question, "[Who is Charles Munger, Jr.?](#)"

Although we haven't finished answering it, we also need to ask ourselves, "What does he want?"

To begin with, he wants to control and re-shape the California Republican Party, and the way he is going about it right now is by supporting [Harmeet Dhillon](#) for [CRP Vice Chairman](#). Dhillon is the chair of the

[San Francisco Republican Party](#).

It will take more than one blog post to paint a complete picture of Harmeet Dhillon, but we can start with her deep, active involvement with the American Civil Liberties Union.

Yes, that ACLU.

In late 2002, Dhillon was running for the Board of Directors of the ACLU of Northern California. Here is her candidate statement, as it appeared in the

RECENT POSTS

[Meet Harmeet](#)

[The Most Interesting Top-Two Primary In the World](#)

[Who Is Charles Munger, Jr.?](#)

[Welcome To The Munger Games!](#)

RECENT COMMENTS

[Meet Harmeet | The Munger Games](#) on [Who Is Charles Munger, Jr.?](#)

ARCHIVES

[February 2013](#)

[January 2013](#)

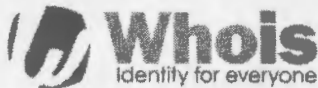
CATEGORIES

[California Republican Party](#)

[Charles Munger](#)

[Harmeet Dhillon](#)

EXHIBIT C



Whois Lookup

Domains

Web Hosting

Email

SSL

Website Builder

WHOIS

Support

mungergames.net registry whois

Updated 1 minute ago - Refresh

Domain Name: MUNGERGAMES.NET
 Registrar: NEW DREAM NETWORK, LLC
 Whois Server: whois.dreamhost.com
 Referral URL: http://www.dreamhost.com
 Name Server: NS1.DREAMHOST.COM
 Name Server: NS2.DREAMHOST.COM
 Name Server: NS3.DREAMHOST.COM
 Status: ok
 Updated Date: 23-Jan-2013
 Creation Date: 23-Jan-2013
 Expiration Date: 23-Jan-2014

Hot Deals!**.CO @ \$10.88 ~~\$29.88~~****mungergames.net registrar whois**

Updated 1 minute ago

Legal Stuff:

The information in DreamHost's whois database is to be used for informational purposes only, and to obtain information on a domain name registration. DreamHost does not guarantee its accuracy.

You are not authorized to query or access DreamHost's whois database using high-volume, automated means without written permission from DreamHost.

You are not authorized to query or access DreamHost's whois database in order to facilitate illegal activities, or to facilitate the use of unsolicited bulk email, telephone, or facsimile communications.

You are not authorized to collect, repackage, or redistribute the information in DreamHost's whois database.

DreamHost may, at its sole discretion, restrict your access to the whois database at any time, with or without notice. DreamHost may modify these Terms of Service at any time, with or without notice.

Domain Name: mungergames.net

Registrant Contact:
 mungergames.net Private Registrant
 A Happy DreamHost Customer
 417 Associated Rd #324
 Brea, CA 92821
 US
 +1.7147064182
mungergames.net@proxy.dreamhost.com

Administrative Contact:
 mungergames.net Private Registrant
 A Happy DreamHost Customer
 417 Associated Rd #324
 Brea, CA 92821
 US
 +1.7147064182
mungergames.net@proxy.dreamhost.com

Technical Contact:
 mungergames.net Private Registrant
 A Happy DreamHost Customer
 417 Associated Rd #324
 Brea, CA 92821
 US
 +1.7147064182
mungergames.net@proxy.dreamhost.com

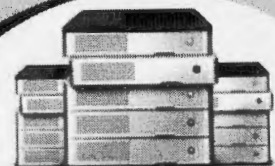
Billing Contact:
 mungergames.net Private Registrant
mungergames.net@proxy.dreamhost.com

Web Hosting

Host
 Unlimited
 Domains

Starts @
\$7.88
 per month

- ✓ Unlimited Disk Space
- ✓ Unlimited Data transfer
- ✓ Unlimited Databases
- ✓ Unlimited Email Accounts
- ✓ 30 Day Money Back Guarantee

View Plan

3/22/13

Whois mungergames.net

A Happy DreamHost Customer
417 Associated Rd #324
Brea, CA 92821
US
+1.7147064182

Record created on 2013-01-23 12:59:59.
Record expires on 2014-01-23 12:59:59.

Domain servers in listed order:

ns1.dreamhost.com
ns2.dreamhost.com
ns3.dreamhost.com

DreamHost whois server terms of service: <http://whois.dreamhost.com/>

Get a 14-day free trial of unlimited everything from DreamHost Web Hosting.
Paid web hosting includes A FREE domain registration!
<http://www.dreamhost.com/>
Use promotional code "WHOIS" for an additional \$50 off any plan!

Domains

Register Domain Name
View Domain Pricing
Bulk Domain Register
Bulk Domain Transfer
Whois Lookup
Name Suggestion Tool
Free with Every Domain
View Promos

Hosting & Products

Linux Hosting
Windows Hosting
Linux Reseller Hosting
Windows Reseller Hosting
Website Builder
Email
SSL

Infrastructure

Datcenter Details
Hosting Security
24 x7 Servers Monitoring
Backup and Recovery

Support

View Knowledge Base
Contact Support
Report Abuse
About Whois

Resellers

Join Reseller Program

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